

NDDOT'S TITLE VI AND NONDISCRIMINATION PROGRAM REQUIREMENTS, GUIDANCE, AND TEMPLATES FOR SUBRECIPIENTS

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| I. TITLE VI AND NONDISCRIMINATION PROGRAM REQUIREMENTS |
| <p>A. Title VI Assurances</p> <ol style="list-style-type: none"> 1. Methods of Administration (MOAs)-Minimum Requirements <ol style="list-style-type: none"> a. Gives reasonable guarantee-comply with Regulations b. MOAs in Title VI and Nondiscrimination Implementation Plan 2. Title VI and Nondiscrimination Implementation Plan <ol style="list-style-type: none"> a. Title VI and Nondiscrimination Policy Statement b. Public outreach and education plan c. Training program for staff and others d. Procedures for processing complaints e. Program to assess (review) and periodically report on status of Title VI compliance f. Detailed plans for bringing discriminatory programs into compliance g. Data collection and analysis procedures and methods |
| II. TITLE VI AND NONDISCRIMINATION PROGRAM GUIDANCE AND TEMPLATES |
| <p>B. Title VI Assurances</p> <ol style="list-style-type: none"> 1. Required prior to approval of federal financial assistance 2. Require Methods of Administration (MOAs) in an Implementation Plan 3. Signed by your Chief Administrative Officer 4. Refusal to furnish/comply required assurances-may refuse/terminate funds <p>The required Title VI Assurances can be obtained from the NDDOT Civil Rights Division, Title VI and Nondiscrimination Program, Subrecipient Title VI Information web page. http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm</p> |
| <p>C. Title VI and Nondiscrimination Implementation Plan</p> <ol style="list-style-type: none"> 1. Title VI and Nondiscrimination Policy Statement <ol style="list-style-type: none"> a. Express commitment to Title VI Nondiscrimination obligation b. Policy signed by Chief Administrative Officer c. Policy statement circulated throughout organization and public 2. Organization and its Structure <ol style="list-style-type: none"> a. Designate a Title VI Coordinator or Specialist b. Outline role(s), responsibilities, and authority <p>NDDOT has developed a template. The required Title VI and Nondiscrimination Policy Statement can be obtained from the NDDOT Civil Rights Division, Title VI and Nondiscrimination Program, Subrecipient Title VI Information web page. http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm</p> |

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D. Public Outreach and Education

1. Notify beneficiaries and potential beneficiaries of the Title VI requirements that apply to the federally funded State program through
 - a. public statements, written documents
 - b. meetings with community organizations and the media
 - 1) Provides opportunity for public input
 - 2) Includes efforts to ensure participation by traditionally underserved
 - 3) Provides public education of rights and obligations
2. Develop a Limited English Proficiency (LEP) Plan
 - a. Responsible to address the needs of individuals with LEP language skills
 - 1) No person shall be subjected to discrimination based on race, color, or national origin
 - b. Directs to publish guidance clarifying obligations to ensure national origin discrimination does not take place
 - c. Applies to all state and local agencies that receive federal funds.

Records must be maintained in the subrecipient's files. These records document efforts to reach the public including LEP, low-income, and other traditionally underserved populations.

NDDOT's Public Involvement Plan defines the processes for outreach and education of the public. The Public Involvement Plan can be accessed in NDDOT's Design Manual, Chapter II Section IV. <http://www.dot.nd.gov/manuals/design/designmanual/designmanual.htm>

NDDOT has developed a template for an LEP Plan that can be obtained from the NDDOT Civil Rights Division, Title VI and Nondiscrimination Program, Subrecipient Title VI Information web page. <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>

E. Training Program for Staff and Subrecipients

1. Provides training for local program staff
2. Provides training for subrecipients, and beneficiaries or potential beneficiaries in the USDOT's nondiscrimination policies and procedures.

Training records must be maintained in the subrecipient's files. These records include training schedules, agendas, sign-in sheets, and training materials such as PowerPoint's, and handouts, etc. Maintain a training report listing the name of your training events, date, location, and the number of attendees for each training event held during the reporting period.

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F. Procedures for Processing Complaints

1. Notifies NDDOT Civil Rights Division
2. Informs beneficiaries of their right to file a complaint.

The required Title VI Complaint Form with Instructions and the Title VI Complaint Procedures templates can be obtained from the NDDOT Civil Rights Division, Title VI and Nondiscrimination Program, Subrecipient Title VI Information web page.

<http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>

G. Program to assess (review) and periodically report on status of Title VI compliance

1. Provides for Title VI annual reviews of major program areas and program directives.
2. Provides for Title VI reviews of subrecipients.
3. Ensures that all federal-aid contracts include the required Title VI nondiscrimination language.
4. Ensures that contractors, subcontractors, consultants, and subconsultants are clearly aware of their responsibilities to comply with Title VI.

Review records must be maintained in the subrecipient's files. These include Review Schedules, review questionnaires and answers, subrecipient pre-authorization checklists and answers, and other documentation gathered during the review documenting compliance with Title VI and nondiscrimination requirements.

H. Detailed plans for bringing discriminatory programs into compliance

1. Review and Selection Process
 - a. Provides for a specific process to conduct reviews in a nondiscriminatory manner and to ensure compliance with Title VI

Records must be maintained in the subrecipient's files. These records document that the Review and Selection Process was followed to ensure reviews are conducted in a nondiscriminatory manner. These records include a written step process to select subrecipients for review and to bring their programs into compliance within the required timeframes. Maintain other documentation as set out in your Review and Selection Process.

NDDOT has outlined their Review and Selection Process according to federal regulations and FHWA guidance. It is included in NDDOT's 2013 Title VI and Nondiscrimination Program on pages 12-14. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

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- I. Data collection procedures and methods
 1. The collection and analysis of data on recipients are key elements of a successful Title VI enforcement strategy.
 2. Data collection is the primary means by which an agency can monitor whether its program funds are reaching the communities that need the assistance.

Data collection records must be maintained in the subrecipient's files. These records document the processes used to collect data using various data collection tools along with an analysis of the gathered information.

A data collection and analysis might include using a demographic survey at a public meeting or event and comparing the attendance results with 2010 Census demographic information of the same area. The comparison would show what percentage of each demographic area was reached at the public meeting or event. A determination can be made whether the results were satisfactory or if additional steps need to be taken to improve the reach of your program to additional beneficiaries/individuals.

NDDOT has developed templates for a Sign-In Sheet, Public Participation Survey and Instructions, and a Request For Reasonable Accommodations that can be obtained from the NDDOT Civil Rights Division, Title VI and Nondiscrimination Program, Subrecipient Title VI Information web page.

<http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>